

REMARKS

Claims 10-25 are pending in this application. Claim 25 is added herein. Support for the amendments to the claims may be found in the claims as originally filed and, in particular, in claim 10. Reconsideration is requested based on the foregoing amendment and the following remarks.

Claim Rejections - 35 U.S.C. § 102:

Claims 10-24 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Application Publication No. 2003/0152039 to Roberts *et al.* (hereinafter "Roberts"). The rejection is traversed to the extent it would apply to the claims as amended. Reconsideration is earnestly solicited.

The final clause of claim 10 recites:

A policy function which controls both the charge metering points and the charging points by using predefined rules.

Roberts neither teaches, discloses, nor suggests "a policy function which controls both the charge metering points and the charging points by using predefined rules," as recited in claim 10. In Roberts, rather, rules *within* the gateway serving node (GGSN) will be triggered, resulting in *different* charging rates being applied, instead of "using predefined rules" as recited in claim 10. In particular, is described at paragraph [0058]:

Where charging is related to content or application, rules within the GGSN will be triggered and this will result in different charging rates being applied.

Since, in Roberts, rules within the gateway serving node (GGSN) will be triggered resulting in different charging rates being applied, Roberts has no "policy function which controls both the charge metering points and the charging points by using predefined rules," as recited in claim 10.

In Roberts, moreover, the *store* has the set of rules, not "a policy function" as recited in claim 10. In particular, is described at paragraph [0014]:

According to another aspect of the invention there is provided apparatus for billing a communications network user for goods or services associated with the transport of packet traffic from that communications network into a packet communications network, the apparatus comprising: means for providing each packet with an address, a store having a set of rules, and a packet analyzer for

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determining from said rules and each packet address, a respective billing tariff and account for that packet.

Since, in Roberts, the store has the set of rules, Roberts has no "policy function which controls both the charge metering points and the charging points by using predefined rules," as recited in claim 10.

In Roberts, moreover, the rules are based on the *destination* of the service as described by URL or IP address and port number of the server, rather than being "predefined" as recited in claim 10. In particular, is described at paragraph [0021]:

The finer grained charging information is achieved via the analysis of packets, preferably at the GGSN. This is coordinated with the service being accessed via configuring rules based on the destination of the service as described by URL or IP address and port number of the server.

Since, in Roberts, the rules based on the destination of the service as described by URL or IP address and port number of the server, Roberts has no "policy function which controls both the charge metering points and the charging points by using predefined rules," as recited in claim 10.

Finally, in Roberts, the Real-time Rating Engine simply *accepts* charging events with relevant data (such as time of day, event type, subscriber, merchant, possibly dollar value) from the merchant and returns the value to be charged to the customer, rather than controlling anything "using predefined rules" as recited in claim 10. In particular, is described at paragraph [0027]:

Its function is to accept charging events with relevant data (such as time of day, event type, subscriber, merchant, possibly dollar value) and return the value to be charged to the customer along with any details about charges to be applied to other accounts e.g. merchant for revenue share.

Since, in Roberts, the Real-time Rating Engine simply accepts charging events with relevant data (such as time of day, event type, subscriber, merchant, possibly dollar value) from the merchant and returns the value to be charged to the customer, Roberts has no "policy function which controls both the charge metering points and the charging points by using predefined rules," as recited in claim 10. Claim 10 is submitted to be allowable. Withdrawal of the rejection of claim 10 is earnestly solicited.

Claims 11-23 depend from claim 10 and add further distinguishing elements. Claims 14

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and 20, for example, recite:

The policy function monitors predefined call-charge thresholds relating to the at least one service, the call-charge thresholds being monitored simultaneously with performance of the at least one service.

Roberts neither teaches, discloses, nor suggests "the policy function monitors predefined call-charge thresholds relating to the at least one service, the call-charge thresholds being monitored simultaneously with performance of the at least one service," as recited in claims 14 and 20. Roberts, in fact, mentions no call-charge thresholds at all, let alone "predefined call-charge thresholds," as recited in claims 14 and 20. Claims 11-23 are thus also submitted to be allowable. Withdrawal of the rejection of claims 11-23 is also earnestly solicited.

Claim 24:

The final clause of claim 24 recites:

A policy function which controls both charge metering points and charging points by using predefined rules.

Roberts neither teaches, discloses, nor suggests "a policy function which controls both charge metering points and charging points by using predefined rules," as discussed above with respect to the rejection of claim 10. Claim 24 is thus submitted to be allowable, for at least those reasons discussed above with respect to the rejection of claim 10. Withdrawal of the rejection of claim 24 is earnestly solicited.

New claim 25:

The final clause of claim 25 recites:

Controlling both the metering points and the charging points using predefined rules.

Roberts neither teaches, discloses, nor suggests "controlling both the metering points and the charging points using predefined rules," as discussed above with respect to the rejection of claim 10. Claim 25 is thus believed to be allowable, for at least those reasons discussed above with respect to the rejection of claim 10.

Conclusion:

Accordingly, in view of the reasons given above, it is submitted that all of claims 10-25 are allowable over the cited references. Allowance of all claims 10-25 and of this entire

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application is therefore respectfully requested.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: March 17, 2008

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